

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1459 be amended to read as follows:

- 1 Page 1, line 12, after "individual" insert ", **or because the**
- 2 **individual was a viable fetus**".
- 3 Page 2, line 3, after "property" insert ", **or because a viable fetus**
- 4 **was present on the property**".
- 5 Page 3, line 22, after "property" insert ", **including that the injured**
- 6 **individual, owner, or occupant of the property was a viable fetus**".
- 7 Page 4, between lines 15 and 16, begin a new paragraph and insert:
- 8 "SECTION 3. IC 35-42-2-1, AS AMENDED BY P.L.2-2005,
- 9 SECTION 125, IS AMENDED TO READ AS FOLLOWS
- 10 [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) A person who knowingly or
- 11 intentionally touches another person in a rude, insolent, or angry
- 12 manner commits battery, a Class B misdemeanor. However, the offense
- 13 is:
- 14 (1) a Class A misdemeanor if:
- 15 (A) it results in bodily injury to any other person;
- 16 (B) it is committed against a law enforcement officer or
- 17 against a person summoned and directed by the officer while
- 18 the officer is engaged in the execution of his official duty;
- 19 (C) it is committed against an employee of a penal facility or
- 20 a juvenile detention facility (as defined in IC 31-9-2-71) while
- 21 the employee is engaged in the execution of the employee's
- 22 official duty;
- 23 (D) it is committed against a firefighter (as defined in
- 24 IC 9-18-34-1) while the firefighter is engaged in the execution

- 1 of the firefighter's official duty; or
- 2 (E) it is committed against a community policing volunteer:
 - 3 (i) while the volunteer is performing the duties described in
 - 4 IC 35-41-1-4.7; or
 - 5 (ii) because the person is a community policing volunteer;
- 6 (2) a Class D felony if it results in bodily injury to:
 - 7 (A) a law enforcement officer or a person summoned and
 - 8 directed by a law enforcement officer while the officer is
 - 9 engaged in the execution of his official duty;
 - 10 (B) a person less than fourteen (14) years of age and is
 - 11 committed by a person at least eighteen (18) years of age;
 - 12 (C) a person of any age who is mentally or physically disabled
 - 13 and is committed by a person having the care of the mentally
 - 14 or physically disabled person, whether the care is assumed
 - 15 voluntarily or because of a legal obligation;
 - 16 (D) the other person and the person who commits the battery
 - 17 was previously convicted of a battery in which the victim was
 - 18 the other person;
 - 19 (E) an endangered adult (as defined in IC 12-10-3-2);
 - 20 (F) an employee of the department of correction while the
 - 21 employee is engaged in the execution of the employee's
 - 22 official duty;
 - 23 (G) an employee of a school corporation while the employee
 - 24 is engaged in the execution of the employee's official duty;
 - 25 (H) a correctional professional while the correctional
 - 26 professional is engaged in the execution of the correctional
 - 27 professional's official duty;
 - 28 (I) a person who is a health care provider (as defined in
 - 29 IC 16-18-2-163) while the health care provider is engaged in
 - 30 the execution of the health care provider's official duty;
 - 31 (J) an employee of a penal facility or a juvenile detention
 - 32 facility (as defined in IC 31-9-2-71) while the employee is
 - 33 engaged in the execution of the employee's official duty;
 - 34 (K) a firefighter (as defined in IC 9-18-34-1) while the
 - 35 firefighter is engaged in the execution of the firefighter's
 - 36 official duty; or
 - 37 (L) a community policing volunteer:
 - 38 (i) while the volunteer is performing the duties described in
 - 39 IC 35-41-1-4.7; or
 - 40 (ii) because the person is a community policing volunteer;
- 41 (3) a Class C felony if:
 - 42 (A) it results in serious bodily injury to any other person or if
 - 43 it is committed by means of a deadly weapon; or
 - 44 (B) it:
 - 45 (i) is committed against an individual who was
 - 46 knowingly or intentionally selected as the victim of the

offense because of the color, creed, disability, national origin, race, religion, sexual orientation, gender identity, or sex of the individual, or because the individual was a viable fetus; and

(ii) results in bodily injury to a viable fetus;

(4) a Class B felony if it results in serious bodily injury to a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age;

(5) a Class A felony if it results in the death of a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age;

(6) a Class C felony if it results in serious bodily injury to an endangered adult (as defined in IC 12-10-3-2); and

(7) a Class B felony if it results in the death of an endangered adult (as defined in IC 12-10-3-2).

(b) For purposes of this section:

(1) "law enforcement officer" includes an alcoholic beverage enforcement officer; and

(2) "correctional professional" means a:

(A) probation officer;

(B) parole officer;

(C) community corrections worker; or

(D) home detention officer."

Renumber all SECTIONS consecutively.

(Reference is to HB 1459 as printed February 20, 2007.)

Representative Walorski